

2001 DRAFTING REQUEST

Bill

Received: **02/27/2001**

Received By: **kahlepj**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Miller (608) 266-5342**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **kahlepj**

May Contact:

Addl. Drafters:

Subject: **Econ. Development - misc.
State Government - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

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Instructions:

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Kahler, Pam

From: Kahler, Pam
Sent: Friday, March 30, 2001 5:15 PM
To: Miller, Mark
Subject: RE: Business Subsidies

Yes, I spoke with John about a meeting. I think it would be very helpful, and I also think that I will have to try to bring, at least, Marc Shovers along. He drafts in the areas of both tax incremental financing and municipalities (he drafted Smart Growth).

Pam

-----Original Message-----
From: Miller, Mark
Sent: Friday, March 30, 2001 5:07 PM
To: Kahler, Pam
Cc: Stolzenberg, John; Sen.Hansen
Subject: RE: Business Subsidies

Pam,

What you suggest parallels the development of the Minnesota law. Minnesota began with the reporting requirements. The public hearing and some of the other process requirements are a recent modification. I want to include some consequences when a recipient fails to accomplish certain goals. Such things as job goals, wage goals, moving out of state, etc. I like the idea of public hearings, especially for creating TIF districts. A public input requirement can be limited to only those public investments where it makes reasonable sense. Perhaps it can be included as part of Smart Growth...if TIF districts are identified as part of a Smart Growth process, the public input required for the Smart Growth would be sufficient for the TIF district that emerges from that planning process.

>> which ones?

John Stozenberg plans to meet with me next week, or possibly the week of the 9th, but wants to try to arrange a time when you are available so that we can discuss the various decision items and get a chance to clarify the instructions. I told him that I am more interested in simplicity than in being comprehensive, but that a conversation among his team, you, and me will be useful for all of us. When a date is selected, I'll see if someone from Senator Hansen's office is available to join us.

Mark

p.s. I think my computer is finally fixed. I was without a computer for most of the last two days.
MM

-----Original Message-----
From: Kahler, Pam
Sent: Thursday, March 29, 2001 12:21 PM
To: Miller, Mark
Subject: RE: Business Subsidies

Thank you for your response. The part of the Minnesota law that I found most problematic was the requirement to hold public hearings before any "business subsidy" was granted, one to establish criteria for awarding the subsidy and then another for the actual awarding of the subsidy. Since many programs in our statutes that would be considered "business subsidies" already have criteria spelled out in the statutes, it seemed to me that each "business subsidy" program would have to be identified and the criteria changed or eliminated. That would require identifying every program (probably impossible) and making a judgment call on whether a program actually was a "business subsidy". It would

03/30/2001

also require all drafters of future programs that might be considered business subsidies to be cognizant of the public hearing requirements, to make a judgment call on whether the program actually was a business subsidy, and to leave out any criteria for awarding the subsidy. From your response, it sounds like you are more interested in the reporting requirement, which could be imposed on every agency. Is that correct? I could draft a preliminary draft that imposes the reporting requirement and include a drafter's note that lists the other parts of the Minnesota law that could be included. You could then let me know if you want to expand the draft by including one or more of the other requirements under Minnesota law. Does that sound okay?

Pam

-----Original Message-----

From: Miller, Mark
Sent: Wednesday, March 28, 2001 7:59 AM
To: Kahler, Pam
Cc: Stolzenberg, John
Subject: RE: Business Subsidies

Pam,

I apologize for not responding promptly, but my computer "dumped" a bunch of emails. Fortunately the network administrator was able to restore the lost emails, but I had to go through all of them to find the ones that I needed a response.

My goal is to require reporting on public subsidies/economic development grants to one agency which would then compile a summary report available to the public and the legislature. The report would include business subsidies administered by the reporting agency as well as all the other reporting agencies and jurisdictions. The hope is to consolidate basic information regarding the scope and effectiveness of economic development/subsidy programs in the state. I recognize that defining a corporate subsidy or economic development grant is tricky. Public investment in education could be considered an economic development investment. I don't know how best to draw the line defining the universe of included activities, but it should include any kind of direct grant, use of public borrowing authority for low interest loans, TIF districts, labor training grants, or any public investment that benefits a particular business or developer vs. all businesses or a class of businesses.

WHEEDA
loan guarantees
?

def of bus sub

I would not include technical assistant to local jurisdictions for planning or state promotion of state products, or tax code provisions.

not include

It seems to make sense for DOA or Commerce to be the agency responsible for collecting, summarizing, and reporting on the scope and effectiveness of public economic development investments. I'm inclined toward DOA.

I hope this provides sufficient guidance. If in doubt, choose the side of simplicity. I don't see this legislation, should it become law, as anything more than a starting point to begin assessing the effectiveness of these public investments. Minnesota's law has been effective in accomplishing this result.

John Stolzenberg is the Leg Council staff doing the business subsidy research.

-----Original Message-----

From: Kahler, Pam

Sent: Monday, March 19, 2001 4:21 PM
To: Miller, Mark
Subject: RE: Business Subsidies

Representative Miller:

I have a few comments and questions about the drafting request. The Minnesota law appears to regulate the granting of business subsidies by local governments and every state agency. "Business subsidy" is defined very broadly to include not only grants but also tax or fee deferrals or reductions, preferential use of government facilities, and many other types of grants or contributions. The definition is so broad that I'm not sure every instance in current law of a "business subsidy" could be found. For example, I came upon s. 646.51 (7) (b) in another context and wondered if that would come under the definition of "business subsidy." It seems to if the amount might exceed \$25,000 (under the Minnesota law). The law requires all of these local governments and state agencies to submit annual reports to the Minnesota department of trade and economic development. I don't know if that is the equivalent of our department of commerce or agriculture, trade and consumer protection. In any case, it seems quite unprecedented to require all agencies to report to another agency with respect to something that that agency must report on also. It seems to make more sense for all agencies to report to DOA, but I'm sure that DOA also grants "business subsidies" that it would be required to report on - to itself.

Did you have a more limited scope in mind? Were you interested in particular "business subsidies?" Perhaps "subsidies" of a particular kind or ones granted by a particular agency?

Who is researching business subsidies under our statutes at the legislative council? Perhaps it would be helpful for me to speak to that person.

Pam

-----Original Message-----

From: Miller, Mark
Sent: Friday, March 02, 2001 9:09 AM
To: Kahler, Pam
Subject: Business Subsidies

I am working with Sen. Hansen on this legislation regarding business subsidies. Please feel free to share any information regarding this request with his office.
 Mark

-----Original Message-----

From: Miller, Mark
Sent: Wednesday, February 21, 2001 10:00 AM
To: Kahler, Pam
Subject: Business Subsidies

I want to develop legislation that is similar to Minnesota law which requires a planning and accountability mechanism as part of the administration of public subsidies to business. (MN statutes 116j.993-995, see attached).

Please commence drafting a bill that will accomplish the same purpose as the Minnesota legislation. I realize that the process will generate many questions that will require resolution as we proceed.

I have requested supplementary research from Legislative Council to identify the scope of business subsidies and accountability mechanisms currently in place.

Thank you for your assistance.

Mark Miller

48th Assembly District

Capitol Room 112 North

P.O. 8953, Madison, WI 53708

608-266-5342, 608-282-3648 Fax

Rep.Miller@legis.state.wi.us

Kahler, Pam

From: Stolzenberg, John
Sent: Thursday, April 05, 2001 4:57 PM
To: Matthias, Mary; Zavos, Nicholas; Kahler, Pam
Subject: RE: MN business subsidy law

Let's project this web site at Monday's meeting with Rep. Miler when we're discussing the Minnesota law....

John

-----Original Message-----

From: Matthias, Mary
Sent: Thursday, April 05, 2001 2:11 PM
To: Stolzenberg, John; Zavos, Nicholas; Kahler, Pam
Subject: MN business subsidy law

Here is a useful website- I talked to the DTED analyst who works on the program (Ed Hotter--651-296-0580) and got a bit of info:

In 2000 there were a total of around 5 -10 "subsidies" provided at the state level and 52 subsidies provided by local units of government that fell within the criteria of the business subsidy law.

the legislator who sponsored the legislation was Sen. John Hottinger.

DTED did not get any new appropriation to carry out its new tasks under the law.

I printed copies of the Fact Sheet, FAQ's and 2001 Business Assistance Form and will bring them to the meeting on Monday.

Mary Matthias
Senior Staff Attorney
Wisconsin Legislative Council Staff
ph.: (608)266-0932; fax: (608)266-3830 mary.matthias@legis.state.wi.us

<http://www.dted.state.mn.us/02x00f.asp>

Minnesota Statutes 2000, Table of Chapters

Table of contents for Chapter 116J

116J.993 Definitions.

Subdivision 1. Scope. For the purposes of sections 116J.993 to 116J.995, the terms defined in this section have the meanings given them.

Subd. 2. Benefit date. "Benefit date" means the date that the recipient receives the business subsidy. If the business subsidy involves the purchase, lease, or donation of physical equipment, then the benefit date begins when the recipient puts the equipment into service. If the business subsidy is for improvements to property, then the benefit date refers to the earliest date of either:

(1) when the improvements are finished for the entire project; or

(2) when a business occupies the property. If a business occupies the property and the subsidy grantor expects that other businesses will also occupy the same property, the grantor may assign a separate benefit date for each business when it first occupies the property.

Subd. 3. Business subsidy. "Business subsidy" or "subsidy" means a state or local government agency grant, contribution of personal property, real property, infrastructure, the principal amount of a loan at rates below those commercially available to the recipient, any reduction or deferral of any tax or any fee, any guarantee of any payment under any loan, lease, or other obligation, or any preferential use of government facilities given to a business.

*(any of the foll that's equal to at least \$25,000)
def to "business"*

The following forms of financial assistance are not a business subsidy:

(1) a business subsidy of less than \$25,000;

(2) assistance that is generally available to all businesses or to a general class of similar businesses, such as a line of business, size, location, or similar general criteria;

(so insurer provision is not)

(3) public improvements to buildings or lands owned by the state or local government that serve a public purpose and do not principally benefit a single business or defined group of businesses at the time the improvements are made;

(4) redevelopment property polluted by contaminants as defined in section 116J.552, subdivision 3;

brownfields grants?

(5) assistance provided for the sole purpose of renovating old or decaying building stock or bringing it up to code and assistance provided for designated historic preservation districts, provided that the assistance is equal to or less than 50 percent of the total cost;

(must report)

(6) assistance to provide job readiness and training services if the sole purpose of the assistance is to provide those services;

Example?

(7) assistance for housing;

(8) assistance for pollution control or abatement, including assistance for a tax increment financing hazardous substance subdistrict as defined under section 469.174, subdivision 23;

(9) assistance for energy conservation;

(10) tax reductions resulting from conformity with federal tax law;

(11) workers' compensation and unemployment compensation;

(12) benefits derived from regulation;

(13) indirect benefits derived from assistance to educational institutions;

(14) funds from bonds allocated under chapter 474A, bonds issued to refund outstanding bonds, and bonds issued for the benefit of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1999;

*WHEFA bonds?
- all of WHEFA bonds are*

(15) assistance for a collaboration between a Minnesota higher education institution and a business;

(16) assistance for a tax increment financing soils condition district as defined under section 469.174, subdivision 19;

- ?

(17) redevelopment when the recipient's investment in the purchase of the site and in site preparation is 70 percent or more of the assessor's current year's estimated market value;

(18) general changes in tax increment financing law and other general tax law changes of a principally technical nature;

tax increment financing tax inc. dist

(19) federal assistance until the assistance has been repaid to, and reinvested by, the state or local government agency;

(20) funds from dock and wharf bonds issued by a seaway port authority;

nothing analogous

(21) business loans and loan guarantees of \$75,000 or less; and

(22) federal loan funds provided through the United States Department of Commerce, Economic Development Administration.

Subd. 4. Grantor. "Grantor" means any state or local government agency (with the authority to grant a business subsidy).

is assumed that any one

but must report

Subd. 5. **Local government agency.** "Local government agency" includes a statutory or home rule charter city, housing and redevelopment authority, town, county, port authority, economic development authority, community development agency, nonprofit entity created by a local government agency, or any other entity created by or authorized by a local government (with authority to provide business subsidies).

Subd. 6. **Recipient.** "Recipient" means any for-profit or nonprofit business entity that receives a business subsidy. Only nonprofit entities with at least 100 full-time equivalent positions and with a ratio of highest to lowest paid employee, that exceeds ten to one, determined on the basis of full-time equivalent positions, are included in this definition.

Subd. 7. **State government agency.** "State government agency" means any state agency (that has the authority to award business subsidies).

HIST: 1999 c 243 art 12 s 1; 2000 c 482 s 1

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13.62(5)
452.01(3j)
560.031(1)(b)

Minnesota Statutes 2000, Table of Chapters

Table of contents for Chapter 116J

116J.994 Regulating local and state business subsidies.

Subdivision 1. Public purpose. A business subsidy must meet a public purpose which may include, but may not be limited to, increasing the tax base. Job retention may only be used as a public purpose in cases where job loss is specific and demonstrable.

Subd. 2. Developing a set of criteria. A business subsidy may not be granted until the grantor has adopted criteria after a public hearing for awarding business subsidies that comply with this section. The criteria may not be adopted on a case-by-case basis. The criteria must set specific minimum requirements that recipients must meet in order to be eligible to receive business subsidies. The criteria must include a specific wage floor for the wages to be paid for the jobs created. The wage floor may be stated as a specific dollar amount or may be stated as a formula that will generate a specific dollar amount. A grantor may deviate from its criteria by documenting in writing the reason for the deviation and attaching a copy of the document to its next annual report to the department. The commissioner of trade and economic development may assist local government agencies in developing criteria. A copy of the criteria must be submitted to the department of trade and economic development along with the first annual report following the enactment of this section or with the first annual report after it has adopted criteria, whichever is earlier.

? per grant?
Jobs directly or indirectly attributable?
X

just one set for all, forever?

Subd. 3. Subsidy agreement. (a) A recipient must enter into a subsidy agreement with the grantor of the subsidy that includes:

- (1) a description of the subsidy, including the amount and type of subsidy, and type of district if the subsidy is tax increment financing;
- (2) a statement of the public purposes for the subsidy;
- (3) measurable, specific, and tangible goals for the subsidy;
- (4) a description of the financial obligation of the recipient if the goals are not met;
- (5) a statement of why the subsidy is needed;
- (6) a commitment to continue operations in the jurisdiction where the subsidy is used for at least five years after the benefit date;
- (7) the name and address of the parent corporation of the recipient, if any; and

MES

might not apply to all

(8) a list of all financial assistance by all grantors for the project.

of all sources?

(b) Business subsidies in the form of grants must be structured as forgivable loans. For other types of business subsidies, the agreement must state the fair market value of the subsidy to the recipient, including the value of conveying property at less than a fair market price, or other in-kind benefits to the recipient.

(c) If a business subsidy benefits more than one recipient, the grantor must assign a proportion of the business subsidy to each recipient that signs a subsidy agreement. The proportion assessed to each recipient must reflect a reasonable estimate of the recipient's share of the total benefits of the project.

(d) The state or local government agency and the recipient must both sign the subsidy agreement and, if the grantor is a local government agency, the agreement must be approved by the local elected governing body, except for the St. Paul Port Authority and a seaway port authority.

(e) Notwithstanding the provision in paragraph (a), clause (6), a recipient may be authorized to move from the jurisdiction where the subsidy is used within the five-year period after the benefit date if, after a public hearing, the grantor approves the recipient's request to move. For the purpose of this paragraph, if the grantor is a state government agency other than the iron range resources and rehabilitation board, "jurisdiction" means a city or township.

but - not for purpose of (a)(6)?

Subd. 4. **Wage and job goals.** The subsidy agreement, in addition to any other goals, must include: (1) goals for the number of jobs created, which may include separate goals for the number of part-time or full-time jobs, or, in cases where job loss is specific and demonstrable, goals for the number of jobs retained; and (2) wage goals for the jobs created or retained. After a public hearing, if the creation or retention of jobs is determined not to be a goal, the wage and job goals may be set at zero.

*(once again, how direct must connection be?)
another pub. hearing?*

In addition to other specific goal time frames, the wage and job goals must contain specific goals to be attained within two years of the benefit date.

not all 2 yrs?

*overall plus 2 years?
or just 2 years?*

Subd. 5. **Public notice and hearing.** (a) Before granting a business subsidy that exceeds \$500,000 for a state government grantor and \$100,000 for a local government grantor, the grantor must provide public notice and a hearing on the subsidy. A public hearing and notice under this subdivision is not required if a hearing and notice on the subsidy is otherwise required by law.

(b) Public notice of a proposed business subsidy under this subdivision by a state government grantor, other than the iron range resources and rehabilitation board, must be published in the State Register. Public notice of a proposed business subsidy under this subdivision by a local government grantor or the iron range resources and rehabilitation board must be published in a local newspaper of general circulation. The

Wis admin req?

public notice must identify the location at which information about the business subsidy, including a summary of the terms of the subsidy, is available. Published notice should be sufficiently conspicuous in size and placement to distinguish the notice from the surrounding text. The grantor must make the information available in printed paper copies and, if possible, on the Internet. The government agency must provide at least a ten-day notice for the public hearing.

(c) The public notice must include the date, time, and place of the hearing.

(d) The public hearing by a state government grantor other than the iron range resources and rehabilitation board must be held in St. Paul.

(e) If more than one nonstate grantor provides a business subsidy to the same recipient, the nonstate grantors may designate one nonstate grantor to hold a single public hearing regarding the business subsidies provided by all nonstate grantors. For the purposes of this paragraph, "nonstate grantor" includes the iron range resources and rehabilitation board.

Subd. 6. **Failure to meet goals.** The subsidy agreement must specify the recipient's obligation if the recipient does not fulfill the agreement. At a minimum, the agreement must require a recipient failing to meet subsidy agreement goals to pay back the assistance plus interest to the grantor or, at the grantor's option, to the account created under section 116J.551 provided that repayment may be prorated to reflect partial fulfillment of goals. The interest rate must be set at no less than the implicit price deflator as defined under section 275.70, subdivision 2. The grantor, after a public hearing, may extend for up to one year the period for meeting the wage and job goals under subdivision 4 provided in a subsidy agreement. A grantor may extend the period for meeting other goals under subdivision 3, paragraph (a), clause (3), by documenting in writing the reason for the extension and attaching a copy of the document to its next annual report to the department.

Some as not meet goals?

what account?

A recipient that fails to meet the terms of a subsidy agreement may not receive a business subsidy from any grantor for a period of five years from the date of failure or until a recipient satisfies its repayment obligation under this subdivision, whichever occurs first.

what date is that?

Before a grantor signs a business subsidy agreement, the grantor must check with the compilation and summary report required by this section to determine if the recipient is eligible to receive a business subsidy.

Subd. 7. **Reports by recipients to grantors.** (a) A business subsidy grantor must monitor the progress by the recipient in achieving agreement goals.

(b) A recipient must provide information regarding goals and results for two years after the benefit date or until the goals are met, whichever is later. If the goals are not met,

what about only 2 yrs to meet goals

the recipient must continue to provide information on the subsidy until the subsidy is repaid. The information must be filed on forms developed by the commissioner in cooperation with representatives of local government. Copies of the completed forms must be sent to the local government agency that provided the subsidy or to the commissioner if the grantor is a state agency. If the iron range resources and rehabilitation board is the grantor, the copies must be sent to the board. The report must include:

(1) the type, public purpose, and amount of subsidies and type of district, if the subsidy is tax increment financing;

(2) the hourly wage of each job created with separate bands of wages;

(3) the sum of the hourly wages and cost of health insurance provided by the employer with separate bands of wages;

(4) the date the job and wage goals will be reached;

(5) a statement of goals identified in the subsidy agreement and an update on achievement of those goals;

(6) the location of the recipient prior to receiving the business subsidy;

(7) why the recipient did not complete the project outlined in the subsidy agreement at their previous location, if the recipient was previously located at another site in Minnesota;

(8) the name and address of the parent corporation of the recipient, if any;

(9) a list of all financial assistance by all grantors for the project; and

(10) other information the commissioner may request.

A report must be filed no later than March 1 of each year for the previous year. The local agency and the iron range resources and rehabilitation board must forward copies of the reports received by recipients to the commissioner by April 1.

(c) Financial assistance that is excluded from the definition of "business subsidy" by section 116J.993, subdivision 3, clauses (4), (5), (8), and (16), is subject to the reporting requirements of this subdivision, except that the report of the recipient must include instead:

(1) the type, public purpose, and amount of the financial assistance, and type of district if the assistance is tax increment financing;

(2) progress towards meeting goals stated in the assistance agreement and the public purpose of the assistance;

(3) if the agreement includes job creation, the hourly wage of each job created with separate bands of wages;

(4) if the agreement includes job creation, the sum of the hourly wages and cost of health insurance provided by the employer with separate bands of wages;

(5) the location of the recipient prior to receiving the assistance; and

(6) other information the grantor requests.

only
 (d) If the recipient does not submit its report, the local government agency must mail the recipient a warning within one week of the required filing date. If, after 14 days of the postmarked date of the warning, the recipient fails to provide a report, the recipient must pay to the grantor a penalty of \$100 for each subsequent day until the report is filed. The maximum penalty shall not exceed \$1,000.

Subd. 8. **Reports by grantors.** (a) Local government agencies of a local government with a population of more than 2,500 and state government agencies, regardless of whether or not they have awarded any business subsidies, must file a report by April 1 of each year with the commissioner. Local government agencies of a local government with a population of 2,500 or less are exempt from filing this report if they have not awarded a business subsidy in the past five years. The report must include a list of recipients that did not complete the recipient report required under subdivision 7 and a list of recipients that have not met their job and wage goals within two years and the steps being taken to bring them into compliance or to recoup the subsidy.

Do not file if have awarded w/ - past 5 years

If the commissioner has not received the report by April 1 from an entity required to report, the commissioner shall issue a warning to the government agency. If the commissioner has still not received the report by June 1 of that same year from an entity required to report, then that government agency may not award any business subsidies until the report has been filed.

(b) The commissioner of trade and economic development must provide information on reporting requirements to state and local government agencies.

Subd. 9. **Compilation and summary report.** The department of trade and economic development must publish a compilation and summary of the results of the reports for the previous calendar year by August 1 of each year. The reports of the government agencies to the department and the compilation and summary report of the department must be made available to the public.

The commissioner must coordinate the production of reports so that useful comparisons across time periods and across grantors can be made. The commissioner may add other information to the report as the commissioner deems necessary to evaluate business subsidies. Among the information in the summary and compilation report, the commissioner must include:

(1) total amount of subsidies awarded in each development region of the state;

NA

(2) distribution of business subsidy amounts by size of the business subsidy;

(3) distribution of business subsidy amounts by time category; ??

(4) distribution of subsidies by type and by public purpose;

(5) percent of all ^{recip of ?} business subsidies that reached their goals;

(6) percent of business subsidies that did not reach their goals by two years from the benefit date;

(7) total dollar amount of business subsidies that did not meet their goals after two years from the benefit date;

(8) percent of subsidies that did not meet their goals and that did not receive repayment; ?

(9) list of recipients that have failed to meet the terms of a subsidy agreement in the past five years and have not satisfied their repayment obligations;

(10) number of part-time and full-time jobs within separate bands of wages; and

(11) benefits paid within separate bands of wages.

Subd. 10. **Compilation.** The department of trade and economic development must publish a compilation of granting agencies' criteria policies adopted in the previous calendar year by August 1 of each year.

HIST: 1999 c 243 art 12 s 2; 2000 c 482 s 2-11

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Minnesota Statutes 2000, Table of ChaptersTable of contents for Chapter 116J**116J.995 Economic grants.**

An appropriation rider in an appropriation to the department of trade and economic development that specifies that the appropriation be granted to a particular business or class of businesses must contain a statement of the expected benefits associated with the grant. At a minimum, the statement must include goals for the number of jobs created, wages paid, and the tax revenue increases due to the grant. The wage and job goals must contain specific goals to be attained within two years of the benefit date. The statement must specify the recipient's obligation if the recipient does not attain the goals. At a minimum, the statement must require a recipient failing to meet the job and wage goals to pay back the assistance plus interest to the department of trade and economic development provided that repayment may be prorated to reflect partial fulfillment of goals. The interest rate must be set at no less than the implicit price deflator as defined under section 275.70, subdivision 2. The legislature, after a public hearing, may extend for up to one year the period for meeting the goals provided in the statement.

HIST: 1999 c 243 art 12 s 3; 2000 c 482 s 12

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2000 Minnesota Business Assistance Form

- The 2000 Minnesota Business Assistance Form (MBAF) is used to report each business subsidy and financial assistance agreements signed from **August 1, 1999 through December 31, 1999** per Minn. Stat. §116J.993 to §116J.995. Please use a separate form to report each agreement.
- The following government agencies must submit a 2000 MBAF even if an agreement was not signed during the period **August 1, 1999 through December 31, 1999**: 1) any local government/agency that signed a business subsidy agreement since January 1, 1995, or represents a population of more than 2,500; 2) all state government agencies. If the local/state government agency does not have any subsidies or assistance to report, please answer questions 1 through 13 and follow directions.
- If a local or state government agency that is required to report has not done so by April 1, DTED will mail a warning. If it fails to report by June 1, it may not award any business subsidies until a report has been filed.
- Questions? Call (651) 297-2335. Information on where to mail or fax your completed MBAF(s) in on page 4.

Section 1 Information About Grantor

1. Name of grantor (funding entity)		2. Name of person completing this form	
3. Street address		4. City	5. ZIP code
6. County	7. Phone number	8. Fax number	9. E-mail address
10. Please indicate who in your organization should receive the 2001 MBAF if different from the person in Question 2.			
Name/Title		Phone number	Street address City ZIP code
11. Classification of grantor (<i>Mark one. If grantor is entity created by gov't agency, please indicate affiliation. For example, a city EDA would check "City government."</i>)		12. Has your organization held a public hearing on and adopted criteria for awarding business subsidies in compliance with Minn. Stat. §116J.994? (<i>Mark one.</i>)	
<input type="checkbox"/> City government <input type="checkbox"/> County government <input type="checkbox"/> Regional government <input type="checkbox"/> State government <input type="checkbox"/> Other (<i>Please specify.</i>) _____		<input type="checkbox"/> Yes (<i>Indicate hearing date - _____ and attach criteria</i>) <input type="checkbox"/> No <input type="checkbox"/> We held a public hearing but have not yet adopted criteria (<i>Indicate date of initial hearing - _____</i>) <input type="checkbox"/> Other (<i>Please attach explanation.</i>)	
13. Has your organization signed any agreements to award a business subsidy or financial assistance from August 1, 1999 through December 31, 1999 that is required to be reported under Minn. Stat. §116J.993 and §116J.994? (<i>Mark one.</i>)			
<input type="checkbox"/> Yes (<i>Complete the remainder of the form.</i>) <input type="checkbox"/> No (<i>Stop here, go to section 5 on page 4.</i>)			

Section 2 Information About Recipient

14. Name of business or organization receiving subsidy or financial assistance		15. Address where business subsidy or financial assistance will be used	
		Street address	City ZIP code
16. Does the recipient have a parent corporation? (<i>Mark one.</i>)			
<input type="checkbox"/> Yes (<i>Indicate name and address of parent corporation below. If more than one, indicate ultimate owner.</i>) <input type="checkbox"/> No			
Name of parent corporation		Street address	City State ZIP code

Section 4 Goals and Public Purpose Identified in the Agreement

28. Minn. Stat. §116J.994 requires that business subsidy and financial assistance agreements state a public purpose. Which of the following public purposes were stated in the agreement? (Mark all that apply.)

- Enhancing economic diversity
- Increasing tax base (cannot be only purpose)
- Creating high-quality job growth
- Other (please specify) _____
- Job retention
- Other (please specify) _____
- Stabilizing the community
- Other (please specify) _____

29. Indicate whether the agreement included the following types of goals, and whether the recipient had attained those goals at the time of this report. (Fill in the boxes and attainment date(s) for each goal.)

	Goals established?	Target attainment dates (month & year)	All goals attained?
A) Specific wage and job goals to be attained within 2 years	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
B) Other job-creation and/or retention goals	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
C) Other wage goals	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
D) Other goals other than wage and job goals	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

(Please attach descriptions of goals and progress toward attainment if not documented in Question 30.)

30. For each of the following wage categories, indicate the job creation and/or retention goals stated in the agreement and the average hourly value of any employer-provided health insurance goals for those jobs. (Only indicate job creation goals in full-time equivalents if you are unable to separate goals by full- and part-time positions.)

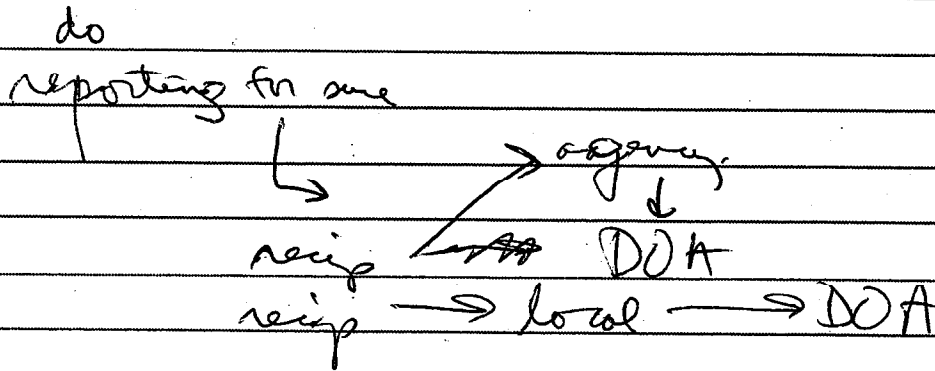
Hourly Wage (excluding benefits)	Full-time Job Creation	Part-time/Seasonal/Temp. Job Creation	FTE (only if goals not stated as FT/PT) Job Creation	Job Retention	Hourly Value of Health Insurance
no hourly wage-level goal	_____	_____	_____	_____	\$ _____
less than \$7.00	_____	_____	_____	_____	\$ _____
\$7.00 to \$8.99	_____	_____	_____	_____	\$ _____
\$9.00 to \$10.99	_____	_____	_____	_____	\$ _____
\$11.00 to \$12.99	_____	_____	_____	_____	\$ _____
\$13.00 to \$14.99	_____	_____	_____	_____	\$ _____
\$15.00 and higher	_____	_____	_____	_____	\$ _____

31. For each of the following wage categories, indicate the number of actual jobs created and/or retained since the benefit date and the actual hourly value of any employer-provided health insurance for those jobs. (Only indicate job creation in full-time equivalents if you are unable to separate job creation into full- and part-time positions.)

Hourly Wage (excluding benefits)	Full-time Job Creation	Part-time/Seasonal/Temp. Job Creation	FTE (only if unable to separate FT/PT) Job Creation	Job Retention	Hourly Value of Health Insurance
less than \$7.00	_____	_____	_____	_____	\$ _____
\$7.00 to \$8.99	_____	_____	_____	_____	\$ _____
\$9.00 to \$10.99	_____	_____	_____	_____	\$ _____
\$11.00 to \$12.99	_____	_____	_____	_____	\$ _____
\$13.00 to \$14.99	_____	_____	_____	_____	\$ _____
\$15.00 and higher	_____	_____	_____	_____	\$ _____

32. Has the recipient achieved all goals (see Questions 29, 30 and 31) and fulfilled all obligations stipulated in the agreement? (Mark one.)

- Yes No



* annual report by agencies & local gov to DOA

agency & local gov report to DOA
summary of recip report

goals
written agreement
& forgiveness

public hearings to develop criteria?

avoid -> use state resources to relocate business to diff part of state

* apply it only to Commerce programs first?

in agreement -> goals public purpose

try it for Commerce -> Commerce develop overall criteria for goals & these go into agreement by program

DOT programs

84.185

85.52

no changes to subsidy type in current law

(5) **DETERMINATION OF ENTITLEMENT.** The department shall determine the entitlement to the coordinating agency based upon the ratio between the estimated cost of reconstructing or rehabilitating seriously deteriorating local bridges in that county and the estimated cost of reconstructing or rehabilitating the seriously deteriorating local bridges in the state which are eligible under this section, exclusive of any bridge that is programmed for construction under an order by the department under s. 84.11 (4). The estimated cost of reconstructing or rehabilitating the seriously deteriorating local bridges in the state and individual counties shall be based upon those bridges identified in the inventory of bridges made under s. 84.17.

(6) **EXECUTION AND CONTROL OF WORK.** Subject to s. 30.12 (4) and the control exercised by the United States, the construction under this section of any local bridge project shall be wholly under the supervision and control of the department. The secretary shall make and execute all contracts and have complete supervision over all matters pertaining to such construction and shall have the power to suspend or discontinue proceedings or construction relative to any bridge project at any time in the event any county, city, village or town fails to pay the amount required of it for any project eligible for construction under this section, or if the secretary determines that sufficient funds to pay the state's part of the cost of such bridge project are not available. All moneys provided by counties, cities, villages and towns shall be deposited in the state treasury, when required by the secretary, and paid out on order of the secretary. Any of the moneys deposited for a project eligible for construction under this section which remain in the state treasury after the completion of the project shall be repaid to the respective county, city, village or town in proportion to the amount each deposited.

(7) **RULES.** The department shall adopt rules to implement this section.

(8) **EXCEPTIONS.** Nothing in this section prevents construction or rehabilitation projects under other bridge programs if applicable.

History: 1981 c. 20, 314; 1989 a. 31.

84.185 Transportation facilities economic assistance and development. (1) DEFINITIONS. In this section:

(a) "Business" has the meaning given in s. 560.60 (2).

(am) "Economic development project" means a business development that directly and significantly increases the number of jobs in this state.

(b) "Governing body" has the meaning specified in s. 560.60 (6).

(bm) "Grant ceiling" means the department's maximum financial participation in an improvement.

(c) "Improvement" includes construction, reconstruction and the activities, operations and processes incidental to building, fabricating or bettering a transportation facility, but not maintaining or operating a transportation facility.

(ce) "Job" has the meaning specified in s. 560.60 (10).

(cm) "Political subdivision" has the meaning specified in s. 560.60 (13).

(d) "Transportation facility" means any of the following:

1. A highway as defined in s. 340.01 (22).
2. A runway, taxiway or apron of an airport as defined in s. 114.002 (7).
3. A harbor improvement as defined in s. 85.095 (1) (b).
4. Rail property consisting of an industrial lead, spur, team track property or trackside intermodal transfer facility.
5. A segment of railroad track, if the conditions under sub. (2) (c) are met.

(2) **APPROVAL OF IMPROVEMENTS.** (a) The secretary may approve the improvement of a transportation facility under this

section if the improvement is a component of an economic development project.

(b) The secretary may approve an improvement under this section only after determining all of the following:

1. Whether the improvement is a justified transportation need. An improvement qualifies as a justified transportation need only when the secretary determines that the costs of the improvement are substantially balanced by significant transportation benefits resulting from the improvement.
2. The cost of the improvement.
3. The ratio of the cost of the improvement to the increase in the number of jobs in this state resulting directly from the improvement or economic development project.
4. The number of jobs which the improvement or economic development project will cause to be retained or increased in this state.
5. Whether the political subdivision will contribute, from funds not provided by this state, not less than 50% of the cost of the improvement.
6. The value of the expenditures required for local infrastructure relating to the improvement.
7. Whether the improvement is compatible and complementary to other transportation facilities and improvements in the political subdivision.
8. Whether the improvement serves a public purpose.
9. Whether the improvement is unlikely to be made without assistance under this section.
10. Whether the improvement will be located in an area of high unemployment or low average income.
11. Whether the improvement will contribute to the economic growth of this state and the well-being of the residents of this state.
12. Whether a business that would be helped by an improvement is financially sound.
14. Whether the improvement would have a significant negative impact on other businesses.

(c) The secretary may approve the relocation of a segment of railroad track as an improvement of a transportation facility if the land on which the track lies is necessary for the expansion or continued operation of an existing business facility and the conditions under pars. (a) and (b) are met.

(3) **DEPARTMENT SHARE.** (a) When awarding a grant under this section, the department shall establish a grant ceiling. Except as provided in par. (b) 2., the grant ceiling shall not be amended after the secretary has approved an application for funding. Except as provided in par. (b), the grant ceiling shall be the lesser of the following:

1. 50% of the anticipated cost of the improvement.
2. Five thousand dollars for each job in this state resulting directly from the improvement or economic development project.

(b) 1. If the secretary finds that special circumstances exist, the secretary may increase the grant ceiling determined under par. (a).

2. The secretary may increase the grant ceiling determined under par. (a) by \$50,000 if the secretary determines that all of the following apply:

- a. The improvement includes the construction, expansion or rehabilitation of a rail spur or other facility related to railroads.
- b. The applicant demonstrates that the improvement will result in a reduction in the amount of motor truck traffic entering or exiting the area or community in which the improvement is located.

c. The department received the application for assistance under this section before April 27, 1998, and either the improve-

Chapter Trans 510

TRANSPORTATION FACILITIES ECONOMIC ASSISTANCE
AND DEVELOPMENT (TEA) PROGRAM

Trans 510.01 Purpose and scope
 Trans 510.02 Definitions
 Trans 510.03 Application procedure
 Trans 510.04 Screening
 Trans 510.05 Evaluation of eligibility

Trans 510.06 Funding shares
 Trans 510.07 Grant awards
 Trans 510.08 Assistance agreements
 Trans 510.09 Project development process

Note: Ch. Trans 510 was created as an emergency rule effective October 16, 1989.

Trans 510.01 Purpose and scope. (1) As required by s. 84.185 (4), Stats., the purpose of this chapter is to establish department criteria for implementing a flexible and expeditious process of evaluating and approving transportation facility improvements that are essential to economic development projects.

(2) The objective of the transportation facilities economic assistance and development program is to increase the number of jobs in this state by responding to the transportation needs of an economic development project when that project is contingent on the transportation facility improvement.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90.

Trans 510.02 Definitions. In addition to the words and phrases as defined in s. 84.185, Stats., in this chapter:

(1) "Applicant" means a business, consortium or governing body.

(2) "Applicant's share" means an amount of money or in kind services equaling no less than 50% of the final transportation facility improvement cost. In kind services may include, but are not limited to, engineering, land acquisition and construction.

(3) "Cost per direct job" means the grant ceiling divided by the number of direct jobs.

(4) "Department" means the department of transportation.

(5) "Direct jobs" means the number of eligible jobs directly associated with an economic development project and listed on the application, as reviewed and approved by the department.

(6) "Eligible jobs" means jobs that represent net employment gains in this state.

(7) "Final transportation facility improvement cost" means the actual contract cost incurred for constructing participating elements of approved transportation facility improvements, including contract change orders for work approved by the department.

(8) "Grant ceiling" means the department's maximum financial participation in a transportation facility improvement.

(9) "Reviewed transportation facility improvement cost" means the estimated cost of the transportation facility improvement as reviewed and approved by the department.

(10) "Secretary" means the secretary of transportation.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90.

Trans 510.03 Application procedure. (1) APPLICATION PACKET. Applicants shall contact either the department's director of the bureau of policy planning and analysis or the chief planning engineer of a department district office for an application packet containing the application requirements and a description of the application screening, evaluation, and funding process.

(2) APPLICATION PROCESS. Completed applications shall be sent to the department's director of the bureau of policy planning and analysis. Applications shall be accepted throughout the year. The department shall expeditiously screen and evaluate applications as received. Application deadlines and funding dates shall be established, listed in the application packet and announced

publicly through varying media. The department, as is necessary, may establish additional application deadlines and funding dates. The department shall only consider applications received on or before the application deadline for a given funding date. Applications shall not be evaluated for eligibility unless all information required in the application packet is made available prior to the application deadline. The results of the screening and evaluation shall be reported promptly to the applicant when completed.

(3) INFORMATION REQUIREMENTS. (a) The application shall request information necessary to determine how well the proposed transportation facility improvement and economic development project satisfy the criteria contained in s. 84.185, Stats., and this chapter. In addition, the application shall require the following:

1. A certification that the applicant will comply with all federal and state laws and local ordinances as they relate to the development and use of the transportation facility improvement.

2. A written endorsement of the application from any governing body which will own or have jurisdictional responsibility for the transportation facility improvement.

3. A description of the economic development project and the transportation facility improvement. The description shall contain appropriate maps or drawings and estimates of specific cost items for the transportation facility improvement such as land, engineering, and construction.

(b) Supplemental information beyond that contained in the application packet may be needed by the department in order to complete its review of an application. The department shall notify the applicant in writing of any supplemental information that is needed and shall set reasonable additional deadlines for the receipt of this information. If the information is not received by the additional deadlines established, the department may remove the application from consideration.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90.

Trans 510.04 Screening. (1) CRITERIA. Applications that meet the following screening criteria shall be evaluated for funding eligibility if they are for transportation facility improvements not excluded under sub. (2):

(a) The economic development project is unlikely to occur in Wisconsin unless the transportation facility improvement is built.

(b) The transportation facility improvement is not likely to occur without the grant.

(c) The business development meets the definition of an "economic development project" set forth in s. 84.185 (1) (am), Stats.

(d) Construction of the transportation facility improvement would be scheduled to begin within 3 years of the date when a grant is awarded for the improvement.

(2) EXCLUSIONS. The following transportation facility improvements are ineligible for assistance:

(a) Street, road and highway improvements that are not open to the public and not under either the jurisdiction or ownership of a public authority.

appropriate, the department may choose to delegate responsibility for approving plans, enforcing department standards, acquiring necessary rights-of-way, and letting bids to the local jurisdiction which is responsible for project management. The following conditions shall be applied:

(a) Highway, road, and airport improvements must employ the services of a registered professional engineer to be responsible for design and construction.

(b) The applicant must assume all responsibility for complying with all germane environmental requirements for the transportation facility improvement, and certify that an environmental analysis was completed and that all applicable environmental laws were followed.

(c) A design study report for highway and road improvements or an equivalent document for airport, rail and harbor improvements must be submitted to the department for approval prior to preparing final plans.

(d) A copy of the plans and specifications containing the engineer's seal as prepared for bidding purposes must be provided to the department prior to the start of construction.

(e) 1. Except as noted in subd. 2., all contracts must be let to

competitive bid and contracts awarded to the lowest responsible bidder. The applicant must submit a certification of the date bids were taken, listing all bidders and bid amounts. A written explanation must accompany any certification where the contract is awarded to someone other than the low bidder.

2. Upon written determination by the local jurisdiction responsible for project management of the necessity to let a contract for construction of all or part of a rail improvement on railroad owned or controlled land, and with the written concurrence of the department in this determination, a contract for construction at cost may be let to the railroad without competitive bid.

(f) All real estate acquisition and required relocation of persons, families, businesses, or farms must be accomplished in accordance with existing state law. A written certification from the applicant to this effect shall be required after the real estate is acquired.

(g) State payments will be made after the improvement is complete and sufficient proof of cost is sent to the department. On improvements where the reviewed transportation facility improvement cost is over \$100,000, the department may pay on the basis of actual costs, but no more than monthly.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90.

vices except as provided in this section. All moneys received under this subsection shall be deposited in the general fund and credited to the appropriation account under s. 20.395 (5) (dg).

History: 1997 a. 27.

85.515 Implementation of 1997 Wisconsin Act 84. If the secretary determines that the changes to the department's computerized information systems made necessary by 1997 Wisconsin Act 84 will be operational before May 1, 2001, the secretary shall publish a notice in the Wisconsin Administrative Register that states the date on which the changes to the department's computerized information system will begin operating, and that clearly states which portion of revisions to the operator's license suspension and revocation law made by 1997 Wisconsin Act 84 will become effective on that date.

NOTE: Section 85.515 is repealed eff. 5-1-01 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84, as affected by 1999 Wis. Act. 9, s. 3263.

History: 1997 a. 84; 1999 a. 9.

85.52 Transportation infrastructure loan program.

(1) DEFINITIONS. In this section:

(ac) "Capital project" has the meaning given in 49 USC 5302.

(ag) "Eligible applicant" means a county, city, village, town or combination thereof, Amtrak, as defined in s. 85.061 (1), a railroad, as defined in s. 85.01 (5), a private nonprofit organization that is an eligible applicant under s. 85.22 (2) (am), or a transit commission created under s. 59.58 (2) or 66.1021.

(am) "Fund" means the transportation infrastructure loan fund established under s. 25.405.

(bm) "Other assistance" has the meaning given in P.L. 104-59, section 350 (L) (3).

(c) "Revenue obligation" has the meaning given in s. 18.52 (5).

(2) ACCEPTANCE OF FEDERAL CAPITALIZATION GRANTS. The department may enter into an agreement with the U.S. department of transportation to receive a capitalization grant under P.L. 104-59, section 350. The agreement may contain any provision required by P.L. 104-59, section 350, and any regulation, guideline or policy adopted under that section.

(3) ADMINISTRATION. (a) The department shall administer a transportation infrastructure loan program to make loans, and to provide other assistance, to eligible applicants for highway projects or transit capital projects. The department of transportation may not make a loan or provide other assistance under the program unless the secretary of administration approves of the loan or other assistance and determines that the amounts in the fund, together with anticipated receipts, will be sufficient to fully pay principal and interest costs incurred on the revenue obligations issued under sub. (5). Loans or other assistance under the program for highway projects shall be credited to the highway account. Loans or other assistance under the program for transit capital projects shall be credited to the transit account.

(bm) Any loan made under the program shall comply with P.L. 104-59, section 350, and any regulation, guideline or policy adopted under that section. The department may not provide other assistance under the program to an eligible applicant unless such assistance complies with P.L. 104-59, section 350, and any regulation, guideline or policy adopted under that section.

(cm) The joint committee on finance may transfer moneys, at the request of the department, in amounts not to exceed the amounts necessary to meet the requirements under P.L. 104-59, section 350, from the transportation fund to the transportation infrastructure loan fund. The department shall submit to the joint committee on finance for its review and approval proposed reductions among the transportation fund appropriations to the department equal to the amount transferred under this paragraph. The joint committee on finance may approve, disapprove or modify the proposed reductions. Upon approval of the proposed reductions, as may be modified by the committee, an amount equivalent

to each approved reduction is lapsed from the appropriation account for each reduced appropriation to the transportation fund.

(4) RULES. (a) The department of transportation and the department of administration shall promulgate rules necessary to implement the transportation infrastructure loan program. The rules shall specify the terms and conditions of loans or other assistance provided under the program and shall establish criteria for determining which eligible applicants and which projects are eligible to receive loans or other assistance under the program. The criteria shall include all of the following:

1. The impact of funding a project under the program on accelerating the completion of a major highway project under s. 84.013.

2. The statewide and local economic impact of the projects.

3. The level of commitment by the eligible applicant to the project.

4. The type and quality of intermodal transportation facilities affected by the project.

(b) The department of transportation and the department of administration may charge and collect fees, established jointly by rules, from eligible applicants to recover the costs of administering the program.

(4m) INVESTMENT MANAGEMENT. The department of administration may:

(a) 1. Subject to par. (b), direct the investment board under s. 25.17 (2) (e) to make any investment of the fund, or in the collection of the principal and interest of all moneys loaned or invested from such fund.

2. Subject to par. (b), purchase or acquire, commit on a standby basis to purchase or acquire, sell, discount, assign, negotiate, or otherwise dispose of, or pledge, hypothecate or otherwise create a security interest in, loans as the department of administration may determine, or portions or portfolios of participations in loans, made or purchased under this section. The disposition may be at the price and under the terms that the department of administration determines to be reasonable and may be at public or private sale.

(b) The department of administration shall take an action under par. (a) only if all of the following conditions occur:

1. The action provides a financial benefit to the transportation infrastructure fund.

2. The action does not contradict or weaken the purposes of the transportation infrastructure loan fund.

3. The building commission approves the action before the department of administration acts.

(5) REVENUE OBLIGATIONS. (a) The transportation infrastructure loan program is a revenue-producing enterprise or program as defined in s. 18.52 (6).

(b) Deposits, appropriations or transfers to the fund for the purposes specified in s. 20.395 (2) (pq) may be funded with the proceeds of revenue obligations issued subject to and in accordance with subch. II of ch. 18. Revenue obligations issued under this section shall not exceed \$100 in principal amount, excluding obligations issued to refund outstanding revenue obligations.

(c) The department of administration may, under s. 18.561 or 18.562, deposit in a separate and distinct fund in the state treasury or in an account maintained by a trustee outside the state treasury, any portion of the revenues derived under s. 25.405 (2). The revenues deposited with a trustee outside the state treasury are the trustee's revenues in accordance with the agreement between this state and the trustee or in accordance with the resolution pledging the revenues to the repayment of revenue obligations issued under this subsection.

(d) The building commission may pledge any portion of revenues received or to be received in the fund established in par. (c) or the transportation infrastructure loan fund to secure revenue obligations issued under this subsection.

(e) The department of administration has all other powers necessary and convenient to distribute the pledged revenues and to distribute the proceeds of the revenue obligations in accordance with subch. II of ch. 18.

(f) The department of administration may enter into agreements with the federal government, political subdivisions of this state, individuals or private entities to insure or in any other manner provide additional security for the revenue obligations issued under this subsection.

(g) Revenue obligations may be contracted by the building commission when it reasonably appears to the building commission that all obligations incurred under this subsection can be fully paid on a timely basis from moneys received or anticipated to be received by the fund.

(h) Unless otherwise expressly provided in resolutions authorizing the issuance of revenue obligations or in other agreements with the holders of revenue obligations, each issue of revenue obligations under this subsection shall be on a parity with every other revenue obligation issued under this subsection and in accordance with subch. II of ch. 18.

History: 1997 a. 27, 237; 1999 a. 9; 1999 a. 150 s. 672.

85.53 Pretrial intoxicated driver intervention grant program. (1) In this section:

(a) "Defendant" means a person accused of or charged with a 2nd or subsequent violation of operating while intoxicated.

(b) "Eligible applicant" means a city, village, town, county or private nonprofit organization.

(c) "Intoxicant" means any alcohol beverage, controlled substance, controlled substance analog or other drug or any combination thereof.

(d) "Operating while intoxicated" means a violation of s. 346.63 (1) or (2m) or a local ordinance in conformity therewith or of s. 346.63 (2) or (6), 940.09 (1) or 940.25.

(2) The department shall administer the pretrial intoxicated driver intervention grant program. The program shall award grants to eligible applicants to administer a local pretrial intoxicated driver intervention program that, prior to the sentencing of a defendant for operating while intoxicated, does all of the following:

(a) Identifies the defendant and notifies him or her of the availability and cost of the program and that, if the defendant is convicted, a court will consider the defendant's participation in the program when imposing a sentence.

(b) Monitors the defendant's use of intoxicants to reduce the incidence of abuse.

(c) Treats the defendant's abuse of intoxicants to reduce the incidence of abuse.

(d) Reports to the court on the defendant's participation in the program.

(e) Requires program participants to pay a reasonable fee to participate in the program. Such a fee may not exceed 20% of the actual per capita cost of the program.

(3) Grants under this section shall be paid from the appropriation under s. 20.395 (5) (jr). The amount of a grant may not exceed 80% of the amount expended by an eligible applicant for services related to the program.

(4) (a) Not later than December 31 of each even-numbered year, the department shall submit a report to the legislature under s. 13.172 (2) that states the number of individuals arrested for a

2nd or subsequent offense of operating while intoxicated; the number of individuals who completed a local pretrial intoxicated driver intervention program; the percentage of successful completion of all individuals who commence such a program; the number of individuals who, after completing such a program, are arrested for a 3rd or subsequent offense of operating while intoxicated; and the number of individuals eligible to participate in a program who did not complete a program and who, after becoming eligible to participate in the program, are arrested for a 3rd or subsequent offense of operating while intoxicated.

(b) An eligible applicant who receives a grant under sub. (2) shall, not later than December 31 of the year for which the grant was made, submit a report to the speaker of the assembly and to the president of the senate in the manner described in s. 13.172 (3) summarizing the results of the pretrial intoxicated driver intervention program administered by the eligible applicant and providing any additional information required by the department.

(5) Consent to participate in a local pretrial intoxicated driver intervention program funded under this section is not an admission of guilt and the consent may not be admitted in evidence in a trial for operating while intoxicated. No statement relating to operating while intoxicated, made by the defendant in connection with any discussions concerning the program or to any person involved in the program, is admissible in a trial for operating while intoxicated.

History: 1997 a. 27; 1999 a. 9, 185.

85.55 Safe-ride grant program. The department may award grants to any county or municipality or to any nonprofit corporation, as defined in s. 46.93 (1m) (c), to cover the costs of transporting persons suspected of having a prohibited alcohol concentration, as defined in s. 340.01 (46m), from any premises licensed under ch. 125 to sell alcohol beverages to their places of residence. The amount of a grant under this section may not exceed 50% of the costs necessary to provide the service. The liability of a provider of a safe-ride program to persons transported under the program is limited to the amounts required for an automobile liability policy under s. 344.15 (1). Grants awarded under this section shall be paid from the appropriation under s. 20.395 (5) (ek).

History: 1999 a. 109.

85.605 Professional football stadium maintenance and operating costs. (1) In this section:

(am) "District board" has the meaning given in s. 229.821 (5).

(b) "Football stadium" has the meaning given in s. 229.821 (6).

(c) "Football stadium facilities" has the meaning given in s. 229.821 (7).

(d) "Professional football team" means a professional football team described in s. 229.823.

(2) From the appropriation under s. 20.395 (1) (ig), the department annually shall deposit payments into the fund established under s. 229.8257 by each local professional football stadium district created under subch. IV of ch. 229. The amount of any deposit under this section shall be the sum of money credited to the appropriation account under s. 20.395 (1) (ig) during the previous fiscal year that is attributable to the professional football team whose home stadium, as defined in s. 229.821 (8), is located in the local professional football stadium district over which the district board that established the fund has jurisdiction.

History: 1999 a. 167.

Chapter Trans 512

TRANSPORTATION INFRASTRUCTURE LOAN PROGRAM

Trans 512.01	Purpose and scope.
Trans 512.02	Definitions.
Trans 512.03	Application procedure.
Trans 512.04	Screening criteria.

Trans 512.05	Evaluation criteria.
Trans 512.06	Agreements.
Trans 512.07	Reporting.

Note: Chapter Trans 512 was created as an emergency rule effective January 5, 1998.

Trans 512.01 Purpose and scope. (1) The purpose of this chapter is to establish a procedure for the administration of the transportation infrastructure loan program as provided in s. 85.52, Stats.

(2) The objective of the transportation infrastructure loan program is to establish a revolving loan fund, loan guarantees, interest rate subsidies, lease buy-back options and other financial leveraging instruments to assist communities in providing for transportation infrastructure and capital improvements to preserve, promote and encourage economic development, or to improve and promote local and regional transportation efficiencies and mobility for Wisconsin communities.

(3) The department shall create within the transportation infrastructure bank a separate account to be designated as the highway account and a separate account to be designated as the transit account, each of which shall be designated solely to providing loans and other forms of financial assistance consistent with the national highway system designation act of 1995, P.L. 104-59 and s. 85.52, Stats.

History: Cr. Register, June, 1998, No. 510, eff. 7-1-98.

Trans 512.02 Definitions. The words and phrases defined in ss. 85.52 and 340.01, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

(1) "Economic development" means any of the following:

(a) Retention or creation of jobs in the state.

(b) Significant capital investment.

(c) Increased competitiveness of a Wisconsin business leading to increased sales or profits and significant contribution to the economy of this state.

(2) "Eligible applicant" means a county, city, village or town, Amtrak, as defined in s. 85.061 (1), Stats., a railroad as defined in s. 85.01(5), Stats., a private nonprofit organization that is an eligible applicant under s. 85.22 (2) (am), Stats., or a transit commission created under s. 59.58 (2) or 66.943, Stats.

(3) "Mobility" means the efficient movement of people and commodities by various transportation and carrier modes.

(4) "Project" means a state infrastructure bank project eligible under s. 85.52, Stats., and P.L. 104-59 section 350, 109 Stat. 618-622.

(5) "Transportation efficiency" means an infrastructure or mobility improvement which does any of the following:

(a) Increases traffic mobility.

(b) Reduces traffic congestion.

(c) Reduces travel time.

(d) Reduces travel distance.

(e) Improves accessibility.

(f) Increases traffic circulation.

(g) Improves geometrics.

(h) Improves comfort and rideability of travelers.

(i) Increases mobility for elderly and disabled persons as defined in s. 85.22 (2), Stats.

(j) Improves safety.

(k) Improves air quality.

History: Cr. Register, June, 1998, No. 510, eff. 7-1-98.

Trans 512.03 Application procedure. Eligible applicants under this chapter may make application to the department at any time for funding. Application and funding cycles shall be established and publicly announced by the department. An application under this chapter shall be in a form as the department may require.

Note: Applicants may obtain an application and program packet by contacting Dennis Leong, Chief, Bureau of Planning, Economic Planning and Development Section, P. O. Box 7913, Room 901, Madison, WI 53707-7913.

History: Cr. Register, June, 1998, No. 510, eff. 7-1-98.

Trans 512.04 Screening criteria. Applications that meet the following screening criteria shall be evaluated for funding eligibility:

(1) Whether the applicant is eligible.

(2) Whether the project is eligible under P.L. 104-59 section 350, 109 Stat. 618-622.

(3) Whether the applicant has the committed financial resources to complete the project.

(4) Whether the project will be for a public purpose.

(5) Whether the applicant certifies that funds from a loan under this chapter may not be used to pay overhead costs, replace funds from another source or refinance an existing debt.

History: Cr. Register, June, 1998, No. 510, eff. 7-1-98.

Trans 512.05 Evaluation criteria. The department shall evaluate and rank the applications that are eligible for funding according to the following criteria:

(1) Whether the project represents a prudent and productive investment of public funds.

(2) The extent to which the project furthers economic development.

(3) Whether the project is compatible and complementary to other intermodal transportation facilities.

(4) Whether the project improves transportation efficiency and mobility.

(5) Whether the project accelerates the completion of a major highway project under s. 84.013, Stats.

(6) The degree to which the loan leverages other financial resources.

(7) Whether the project can be completed in a timely manner.

(8) The financial viability of the project.

(9) The security of any repayment stream.

History: Cr. Register, June, 1998, No. 510, eff. 7-1-98.

Trans 512.06 Agreements. Successful applicants shall be required to enter into a negotiated agreement with the department. The agreement shall be signed by the secretary or his or her designee and an authorized representative of the eligible applicant. Loan repayments shall commence no later than 5 years after completion of the project. The duration of the loan may not exceed 30 years. The department shall charge interest at market rates, as determined by the department, to make the project that is the subject of the loan feasible, except when the applicant satisfies

the secretary that interest would represent an undue hardship for the applicant.

History: Cr. Register, June, 1998, No. 510, eff. 7-1-98.

Trans 512.07 Reporting. Each agreement shall include a periodic requirement to report on economic development, transportation efficiency, mobility, and other benefits as determined by the department. The report shall be prepared by the loan recipient.

History: Cr. Register, June, 1998, No. 510, eff. 7-1-98.



1998 ECONOMIC DEVELOPMENT INCENTIVE REPORT

(PLEASE RETURN BY APRIL 16, 1999)

A. EMPLOYER INFORMATION			
1. Employer Name:		2. Contact Person:	
3. Street Address:		4. Municipality:	
5. County:	6. State:	7. Zip Code:	
8. SIC Code:	9. Phone:	10. Fax:	11. E-Mail:
12. Relocation: Yes <input type="checkbox"/> No <input type="checkbox"/>		13. Previous Address:	
14. Parent Company Name & State:			
B. TYPE AND AMOUNT OF ASSISTANCE (PLUS TOTAL INVESTMENT)			
Program	Rank	Amount	Uses
1. <input type="checkbox"/> Business Equipment Tax Reimbursement		\$	RE,ME,TR,DS,OT
2. <input type="checkbox"/> Employment Tax Increment Financing		\$	RE,ME,TR,DS,OT
3. <input type="checkbox"/> Governor's Training Initiative		\$	RE,ME,TR,DS,OT
4. <input type="checkbox"/> Jobs Investment Tax Credit		\$	RE,ME,TR,DS,OT
5. <input type="checkbox"/> Maine Quality Centers		\$	RE,ME,TR,DS,OT
6. <input type="checkbox"/> Research Expense Tax Credit		\$	RE,ME,TR,DS,OT
7. <input type="checkbox"/> Tax Increment Financing		\$	RE,ME,TR,DS,OT
8. Total Incentives		\$	RE,ME,TR,DS,OT
9. Total Capital Investment: \$		10. Total Training Investment: \$	
C. JOBS CREATED (ATTRIBUTABLE TO RECEIPT OF INCENTIVE)			
Occupational Cluster	Full-time	Part-time	Wage Level
1. Executive, Administrative & Managerial			\$
2. Professional Specialty			\$
3. Technicians & Related Support			\$
4. Marketing & Sales			\$
5. Administrative Support, including Clerical			\$
6. Service			\$
7. Agriculture, Forestry & Fishing			\$
8. Mechanics, Installers & Repairers			\$
9. Construction Trades & Extractive			\$
10. Production			\$
11. Transportation & Material Moving			\$
12. Handlers, Equip. Cleaners, Helpers & Lab'rs			\$



1998 ECONOMIC DEVELOPMENT INCENTIVE REPORT

(PLEASE RETURN BY APRIL 16, 1999)

D. JOBS RETAINED (ATTRIBUTABLE TO RECEIPT OF INCENTIVE)					
<i>Occupational Cluster</i>	<i>Full-time</i>	<i>Part-time</i>	<i>Wage Level</i>		
1. Executive, Administrative & Managerial			\$		
2. Professional Specialty			\$		
3. Technicians & Related Support			\$		
4. Marketing & Sales			\$		
5. Administrative Support, including Clerical			\$		
6. Service			\$		
7. Agriculture, Forestry & Fishing			\$		
8. Mechanics, Installers & Repairers			\$		
9. Construction Trades & Extractive			\$		
10. Production			\$		
11. Transportation & Material Moving			\$		
12. Handlers, Equip. Cleaners, Helpers & Lab'rs			\$		
E. CURRENT EMPLOYMENT (NOT JUST INCENTIVE-RELATED, BUT ALL MAINE EMPLOYEES)					
<i>Occupational Cluster</i>	<i>FT</i>	<i>PT</i>	<i>Wage Level</i>	<i>Benefits</i>	<i>Avg Pct</i>
1. Exec., Admin. & Managerial			\$	CDHR	%
2. Professional Specialty			\$	CDHR	%
3. Technicians & Related Support			\$	CDHR	%
4. Marketing & Sales			\$	CDHR	%
5. Admin. Support, incl. Clerical			\$	CDHR	%
6. Service			\$	CDHR	%
7. Agriculture, Forestry & Fishing			\$	CDHR	%
8. Mech., Installers & Repairers			\$	CDHR	%
9. Construction Trades & Extractive			\$	CDHR	%
10. Production			\$	CDHR	%
11. Transportation & Mater'l Moving			\$	CDHR	%
12. Handlers, E/C, Helpers & Lab'rs			\$	CDHR	%
F. EMPLOYMENT CHANGES					
<i>Year</i>	<i>Total</i>	<i>Full-time</i>	<i>Part-time</i>		
1. Number of Employees on December 31, 1998					
2. Number of Employees on December 31, 1997					
3. Employment Level Change					



1998 ECONOMIC DEVELOPMENT INCENTIVE REPORT

(PLEASE RETURN BY APRIL 16, 1999)

G. PUBLIC PURPOSE ASSESSMENT (IF APPLICABLE) & EMPLOYER FEEDBACK

1. *Answer #1 only if you applied for an incentive after July 16, 1998.* What public purpose was identified on your incentive application? How has your company performed with respect to the public purpose you identified? *Feel free to use the other side as additional sheet; identify question as G1.*

2. Where would your company be if these incentives were not available to you? Which incentives provided the most benefit to your company? Why? How could incentives be improved? *Feel free to use the other side as additional sheet; identify question as G2.*

H. CERTIFICATIONS

I certify that the information contained in this report is an accurate account of the activities related to my company's participation in state economic development incentive programs.

1. Name:	2. Title:
3. Signature:	4. Date: